



SEXUAL HARASSMENT INVESTIGATION AND GRIEVANCE PROCEDURE FOR EMPLOYEES

I. Statement of Purpose

The Maynard School Committee seeks to promote a work environment that is free from all forms of sexual harassment.

II. Definition

Sexual harassment is a form of sex discrimination and is an “unlawful employment practice” under Title VII of the 1964 Civil Rights Act and M.G.L. c. 151B.

The term “Sexual Harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical behavior of a sexual nature when:

1. submission to or rejection of such advances, requests or conduct is made whether explicitly or implicitly a term or condition of employment or a basis for employment decisions;
2. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

III. Statement of Policy

A. Scope of the Policy

This policy extends to all persons employed by the Maynard Public Schools. This policy also pertains to those firms and individuals who are contracted to perform work for the Maynard Public Schools. The Maynard School Committee expressly prohibits any form of sexual harassment among its employees. No employee shall exercise authority or responsibilities in such a manner as to make submission to unwelcome sexual advances, requests for sexual favors or other verbal, non-verbal, or physical behavior of a sexual nature a term or condition of employment.

B. Supervisory Responsibilities

Each member of the Maynard Public Schools' staff who has a supervisory relationship over other employees has an affirmative responsibility of creating an atmosphere free of discrimination or harassment, sexual or otherwise. Further, all supervisory personnel have the responsibility to consult the complaint procedures that have been established for this policy.

IV. Sexual Harassment within the Workplace

A. General Considerations

The Maynard Public Schools expect that each and every employee shall respect the rights of his/her co-workers in a comfortable and harassment-free environment. To work toward this level of mutual respect and understanding, an employee should let another employee know when that person's behavior or activity is considered offensive and/or leads to uncomfortable working conditions. Once made aware that such a condition exists, such behavior or activity shall cease immediately.

B. Explanation of Sexual Harassment

In its simplest expression, sexual harassment is unwelcome verbal or non-verbal actions or physical contact of a sexual nature that impacts on the conditions of employment. These generally constitute two (2) forms of behavior, which have been recognized as sexual harassment and which have been defined as follows:

1. There is the "quid pro quo" form of sexual harassment which occurs when the harassment is used by the offending individual as the basis for employment decisions affecting the victim:

- a. demanding sexual favors accompanied by overt threats concerning one's job security, performance evaluation, assignments, etc.
- b. engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.) as a result of an individual's refusing to engage in social/sexual behavior.

2. The other form of sexual harassment is "hostile working environment" sexual harassment. Some examples of sexually harassing conduct which can lead to a finding of hostile work environment when the conduct is serious, pervasive and interferes with the ability to function in the workplace, include the following:

- a. verbal or non-verbal abuse of a sexual nature;
- b. making negative or offensive comments, jokes, innuendoes, suggestions about another person's gender or sexuality;
- c. using slang terms, names, or labels, such as "honey," "sweetie," "boy," "girl" that others find offensive;
- d. offensive and unwelcome touching of any kind;
- e. displaying sexually suggestive pictures, objects, cartoons, posters, or other pornographic materials;
- f. continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activities;
- g. subtle pressure for sexual activities; e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

V. Complaint Procedures

A. Reporting Sexual Harassment

Any employee who cannot resolve an incident of sexual harassment on an individual basis is strongly encouraged to report any incident of sexual harassment to his/her immediate supervisor, unless the complaint is about that individual, in which case the matter should be brought to the attention of any member of the supervisory staff or the next person in the chain of command.

The director of Student Services is responsible for ensuring that this procedure is filed, so the employee may bring the complaint directly to the director of Student Services.

B. Supervisory Responsibilities

Once a supervisor is made aware of a situation which may constitute an incident or pattern of sexual harassment, it shall be the responsibility of that supervisor to report the matter directly to the Director of Student Services. If possible, the supervisor being notified of sexual harassment shall be responsible for the following actions:

1. encouraging the victim of sexual harassment, and any witnesses to any incident of sexual harassment, to make full disclosure of the incident;
2. explaining to the victim of sexual harassment, or any witnesses, that while they will be protected from retaliation for filing a good faith complaint, confidences may not be maintained in reporting the matter to the Superintendent;
3. informing only those who need to know;
4. documenting all investigative efforts and interviews in an internal memorandum which is to be directed to the attention of the Superintendent of Schools;
5. acting in an affirmative manner to ensure no further occurrences of sexual harassment take place and there is no form of retaliation.

C. Responsibilities of the Director of Student Services

When any form of harassment is brought to the attention of the Director of Student Services who is Jill Greene whose contact information is the following; 12 Bancroft St., Maynard, MA 01754, (978) 897-2138. All such complaints will be fully investigated under the direction of that office. Additional duties of the Director of Student Services with regard to this policy may also include the following:

1. directly supervise the investigation of any complaints alleging sexual harassment;
2. ensure that all investigative efforts and findings are made part of an administrative report;
3. determine whether it is necessary to submit a report to the School Committee, and the findings of the associated investigations;
4. ensure that disciplinary action (to include, but not be limited to, verbal and/or written warnings; suspension and/or termination of employment) is taken when it has been determined there is basis for the complaint or such action is warranted;
5. take action to protect the victims and witnesses of sexual harassment complaints from any further occurrence or retaliation;
6. strive to create an atmosphere in the work place which makes it clear to all employees that discrimination or harassment of any kind will not be tolerated under any circumstances;
7. schedule periodic appropriate training sessions for supervisors and all other employees aimed at eliminating sexual harassment from the work place;
8. ensure the posting of copies of this policy on bulletin boards in the faculty and staff rooms within all school department buildings.

VI. Disciplinary Action

If it is determined that conduct which violates this policy has occurred, the Maynard Public Schools will take disciplinary action that is appropriate under the circumstances. Action may range from counseling to termination of employment or discipline, up to and including termination.

VIII. State and Federal Remedies

In addition to the above, employees who believe they have been subjected to discrimination and/or harassment, may file a formal complaint with the respective state agency, and/or the EEOC. Using the Maynard Public Schools' complaint process does not prohibit you from filing a complaint with these agencies. Each agency has a specific time period for filing a claim. The United States Equal Employment Opportunity Commission (EEOC) allows 180 days (may be longer in some circumstances) to file a complaint, and the Massachusetts Commission Against Discrimination (MCAD) allows the same amount of time. In certain cases, complaints may be filed within 300 days after the alleged sexual harassment.

Date Approved: 10/25/12

U.S. Equal Employment Opportunity Commission, 475 Government Center, Boston, MA 02203
1-800-669-4000, Facsimile – (617) 565-3196, TTY – 1-800-669-6820
Massachusetts Commission Against Discrimination, One Ashburton Place, Room 601, Boston,
MA 02108 (617) 994-6000

Massachusetts Commission Against Discrimination, 436 Dwight Street, Second Floor, Room
220, Springfield, MA 01103, (413) 739-2145
